

THE NATION

JUNE 10, 1961 . . 25c

HAZARDS OF CIVIL DEFENSE

Carl Dreher

Castro and the U.S.

THE VIEW from PUERTO RICO

Rexford Guy Tugwell

Chaos in 34 States

BLUE-LAW BLUES

Ralph Nader

The Charles C. Sherrod Library
EAST TENNESSEE STATE COLLEGE
JOHNSON CITY, TENNESSEE

LETTERS

Plea from Puerto Rico

Dear Sirs: The following petition, signed by writers, artists and teachers of the University of Puerto Rico, is being sent to Delegates of the United Nations and to Members of Congress:

The repeated manifestations of the Government of the United States against the Government of Cuba, the unconditional support which the former has offered the declared enemies of the latter as regards arms and supplies, the United States approval of the action of the invaders, its help in establishing on North American soil sites where invasion plans are worked out, and its disposition—recently enunciated by President Kennedy—to abandon the principle of nonintervention, all indicate that the Government of the United States is intervening and intends to intensify its intervention in the internal affairs of the neighboring island.

We the undersigned—writers, artists and teachers—independent of any opinion we might hold concerning the present government in Cuba, express our concern about this state of affairs. The stand of the United States could precipitate similar interference in the affairs of Cuba by authorized or unauthorized contingents of citizens of different countries or by individual governments, thereby aggravating an explosive situation. . . .

We take comfort at this moment in hoping that the Government of the United States will reconsider its stand and contribute to a solution of the present crisis through recourse to the United Nations.

It is hoped that university circles throughout the United States will follow suit in openly expressing their sentiments concerning the present crisis over Cuba.

ARTURO MELENDEZ
San Juan University of Puerto Rico

See article by Rexford Guy Tugwell on page 496 for general Puerto Rican reaction to the Cuban situation.—Ed.

Attention Dr. Buchman

Dear Sirs: In this day of fast communication, where an individual is concerned with the affairs of the whole world as well as the local township, it is hard to know which side to stand on due to the lack of time to investigate. For six months I have wondered whether to support or fight Moral Re-Armament.

After spending a few weeks vainly trying to find out exactly what it is, I gave up and hoped you people would print something.

Thank you for the article by Richard Harris in the May 20 issue. I am finally well informed — and I intend not to support MRA.
VIRGINIA T. GREENE
Philadelphia, Pa.

Dear Sirs: Re your excellent article on "Moral Re-Armament," you might like to print the following (not mine, but heard somewhere many years ago):

There was a young man from Peoria,
Whose sinning grew gorier and gorier,
But with confession and prayer
And some *savoir faire*,
He lives now in the Waldorf-Astoria.

(Mrs.) GERTRUDE SAMUEL
New York City

See Page 492, This Issue

Dear Sirs: If I understand Mrs. Grooms correctly ["A Revolt Against Shelters," by Mary Grooms, May 13 issue], her notion is that the dangerous aggressiveness of the U.S. Government can be restrained by declining to ameliorate the suffering which war will bring. She thus hopes to keep the United States from precipitating a war. I am not certain if she regards the United States as the only warlike agent in the world.

This strategy — if the assumption about the United States as a war-causing agency is accepted — seems sound. I happen to question the assumption; it sounds rather like the Birch Society, which thinks the government is not full of Fascists, but of Communists. Lots of luck.
ROBERT BERKOWITZ
Boston, Mass.

Prescriptions for Cuba

Dear Sirs: My congratulations to you on the excellent editorials dealing with the Cuban situation which have appeared in recent issues of *The Nation*. Why would it not be worth while to send down to Cuba a group of outstanding Americans to report on the situation there? . . . Is it intelligent for the United States to be in the position of the ostrich with his head in the sand, while the world sees that we are acting foolishly and are not solving the problems which face us?

JEROME DAVIS
Executive Director
Promoting Enduring Peace, Inc.
West Haven, Conn.

We urged precisely such a commission in our editorial, "So the People May Know," in our issue of May 13. — Ed.

Dear Sirs: Congratulations on publishing Leo Huberman's excellent "Eyewitness in Havana" [May 13] and your editorials, which follow earlier excellent reports and comments. . . . If we hope to right our relations with Cuba, we might begin by taking the suggestion of Oregon's former Representative Charles Porter that we convert our obsolete naval base at Guantanamo into a cultural and educational center and give it to Cuba.
Atherton, Calif. ALICE RICHARDS

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Harold Clurman, Theatre
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M. L. Rosenthal, Poetry
Lester Trimble, Music

Alexander Werth, European
Correspondent

Mary Simon, Advertising Manager

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EDITORIALS

Stuntsmanship

Referring to Mr. Kennedy as the "fledgling President," *Time* (June 2) remarked that the Kennedy credo was becoming increasingly apparent: when in doubt, talk. There is considerable truth in this unkind cut; Mr. Kennedy is assuredly no Coolidge. He does, however, have a talent which the taciturn and colorless Cal lacked: an instinct for the spectacular which might have taken the President a long way in Hollywood, had not his destiny led him to Washington. Mr. Kennedy tends to combine these two qualities when he is in trouble; this was the basis of his second State of the Union address. But it turned out to be a dud. Congressmen will not, as a rule, fall tooth and nail on a President's proposals when they have a patriotic flavor, and Mr. Kennedy was dutifully applauded when he called for American leadership in the space race and for making freedom ring all over the world. Later, the Democrats praised his proposals in guarded phrases, while most of the Republicans, likewise carefully, voiced their doubts. But in one respect the partisans agreed—nobody wanted to appropriate the additional money. Some of it Mr. Kennedy will no doubt get, but it will be like squeezing blood from a stone which has already been squeezed.

Where has all the money gone that was already appropriated for the Army and Marine Corps, that they need \$100 million and \$60 million, respectively, to beef themselves up? Could it be that if they—and the Navy and Air Force—read the reiterated strictures of the General Accounting Office, an agency of Congress, and spent their funds wisely, they might be able to get along on Eisenhower-size budgets?

Then of course there is the gigantic boondoggle of civil defense [see page 492], which is to be rewarded for past ineffectuality with a threefold increase—from \$104 million to over \$312 million. But, comparatively speaking, this is all chicken feed, amounting to scarcely more than a billion. Where the real spending is to take place, in this and succeeding fiscal years, is in the race to the moon, and it was in this part of the speech that Mr. Kennedy gambled most heavily on stuntsmanship and seemed to have gained the greatest success. Yet, even here, sober second thoughts have prevailed and Mr. Ken-

Summer Schedule

After July 1, and through August, *The Nation* will appear on alternate weeks only, i.e., on July 15 and 29, and August 12 and 26. The normal weekly schedule will be resumed with the Sept. 2 issue.

nedy may be in for a disappointment when he returns from London, Paris and Vienna.

The cost of sending three men to the moon is estimated at \$40 billion. Such estimates are always low, but \$40 billion is the asking price, which in this case will be found to be lower than the selling price. On this basis, Mr. Gallup conducted a poll, asking: "Would you like to see this amount spent for this purpose, or not?" The results were a landslide—and not in the direction one would expect: only 32 per cent said yes, 9 per cent were undecided, and 58 per cent said no.

Mr. Kennedy has the most difficult job in the world. The most excruciating anguish is in the foreign field. Some of it is irremediable, some of our own making. Mr. Kennedy would be well advised to give long, silent consideration to American foreign policy and seek public support for a drastic correction of its errors and iniquities. After the initial consternation has died away, he might find himself on the road to the place in history for which he yearns. Stuntsmanship is taking him in quite another direction.

The Varieties of Blackmail

According to Richard M. Nixon and other steely patriots, Uncle Sam is yielding to blackmail in even considering Fidel Castro's offer to exchange prisoners for tractors. These critics do not show a similar sensitivity when it comes to Haiti, where the real blackmailing is taking place. Here we have the spectacle of a country of 3.5 million people living on an *average* annual income of \$70, the majority of them at or below the subsistence level. Rural education is practically non-existent, illiteracy is almost universal, the press is tightly controlled, and opposition to the government leads straight

to prison, or simply disappearance. But, as in all dictatorships, there is always money for the Army. Much of this money is provided by the United States. It is the United States which keeps the dictatorship in power with American money, American arms and a group of American Marines and airmen who train the Haitian Army and lend American sanction to this showcase of inter-American democracy.

The personal dictator of Haiti, Dr. François Duvalier, recently swore himself in for a new term after a farcical election in which the voters were not aware that he was a candidate (*The Nation*, May 20, p. 422). The United States was displeased. It showed its displeasure by recalling Ambassador Robert Newbegin to Washington, so that only a Second Secretary was left to do the honors for the United States at Dr. Duvalier's inauguration. This slap on the wrist was scarcely calculated to impress the dictator, since he could look out from the inauguration site on a freighter bringing him a new shipload of arms from New Orleans.

In theory, the United States could pull the rug out from under the Duvalier dictatorship at any time. Duvalier, however, regards this possibility with the utmost equanimity. He is well schooled in only two things, but these are the only ones he needs to know—American foreign policy and the mechanics of Latin American blackmail. The paramount anxiety of the Kennedy Administration, as of the Eisenhower one before it, is to extinguish Castroism, or at any rate to prevent its spread. Duvalier asks, in effect, which would you rather have, me or a Haitian Castro? As one of his henchmen put it, "It is logical that the American Administration is not looking needlessly to aggravate the situation in Latin America." In accordance with this courageous policy, Ambassador Newbegin quietly returned to his post on May 27 with instructions to be "cool but correct" toward Dr. Duvalier.

This is only the passive aspect of the Duvalier blackmail. The active aspect is the open threat of seeking aid from the Communist bloc. Max Frankel reports in *The New York Times* (May 29) that some in Port-au-Prince believe that overtures have already been made to Moscow and were rebuffed. It is not that the Russians are squeamish, but apparently they draw the line somewhere short of Duvalier. We would like to, but can't. Such is the pass to which reactionary foreign policy can bring a great democracy. Surrender to this type of blackmail, however, does not make the blood of the patriots boil. Only Castro's blackmail can do that.

The Unsung Corporation

It is the odd fate of the corporation to be condemned when it sins against the mores, but seldom praised when, occasionally, it does the right thing. Perhaps the key to the riddle is to be found in the fact that when cor-

porations do act properly — and courageously — they are usually motivated by a mundane desire to enhance profits, a motivation not usually associated in the public mind with deeds worthy of hallelujahs. Consider, for instance, the recent disturbances in Alabama. An unsung hero in these doings was none other than The Greyhound Corporation, whose officials and employees, according to early reports, acted with quiet fortitude and with good manners throughout the disturbances.

Curious about the matter — the more so in that we have done our share of corporation-baiting — we tried, unsuccessfully, to find a willing spokesman for Greyhound in New York. But we were finally able to get through to J. F. Hawthorne, vice president, in Chicago. From him, we learned that Greyhound's president, F. W. Ackerman, had issued a directive on January 11, 1961, ordering company implementation of the Supreme Court's decision in the *Boynton* case (having to do with discrimination in terminal facilities). We have studied a copy of the order; it leaves nothing to be desired on the score of directness and clarity. Moreover, Mr. Hawthorne confirmed a suspicion we have been harboring for some time, namely, that most common carriers consider the "separate but equal" rule as distasteful and expensive. We were not surprised, therefore, when we were assured that Greyhound is looking for business, and that to its cashiers one dollar looks very much like any other.

Aside from sound business sense, there is reason to believe — here we speak on the basis of surmise — that Greyhound has a highly cultivated sense of tactics. On the day Negro and white Freedom Riders were served for the first time in an unsegregated manner in the Montgomery bus depot, Negro waitresses "just happened" to be on duty. Our esteem for that much maligned institution, the American private, strictly-for-profit corporation, has gone up several notches.

Civil Defense Note

Earlier in the year, UPI carried an item from Whiteboro, N.Y. describing the burial of John A. Byrne, twenty-seven, one of three men killed in a nuclear mishap at the Idaho Radiation Testing Center. Mr. Byrnes was interred with the permission of, and in accordance with, the specifications of the Atomic Energy Commission. The coffin was enclosed in a sealed steel box, a leadlined vault and twelve inches of concrete. The vault was to be covered by not less than three feet of earth. AEC permission must be obtained if for any reason disinterment should be necessary.

Men's vocations sometimes pursue them as far as the grave. In the last century, when accidents in steel mills were more frequent than they are in this age of automation, a ladle of molten metal was sometimes discharged on a man. After the ingot solidified, it was

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buried with what remained of the man inside it. But these victims were not radioactive. The radioactivity of Mr. Byrnes was not much of a problem to the AEC: any physicist could measure it and prescribe the shielding required. But in a big nuclear attack there might be millions of such problem-corpses. Since government policy does not exclude the possibility of such an assault, either by us against the Soviet Union or vice versa, Conelrad, shelters, etc. [see page 492] should be supplemented by preparations for large-scale handling of radioactive casualties by civil defense workers, so that the morticians and mourners, if any, will not be further irradiated at the obsequies.

Keeping the Pews Filled

"Membership Recession Looms in U.S. Churches," the headline proclaims, and UPI follows it up with some disconcerting revelations. "Leaders of every major denomination have been wondering and worrying out loud about the status of religion, pointing to sharply declining churches in big cities and dying congregations down on the farm. They have sounded warnings to their contented flocks in booming suburbia that religion may not be in as solid a status as many might think." A spokesman for the United Lutheran Church in America is quoted as putting the blame on the emergence of the social sciences and a "lack of mission" on the part of the churches. The latter is probably more responsible than the former. The fact is, as many thoughtful clergymen have pointed out, that church-going is one thing and religion another. There has not been a religious or spiritual revival; more people have attended church merely because it was the correct thing to do showed one's opposition to atheistic communism, and gave one a certain social status. Having listened to the sermon and forgotten it at the church door, they spent the rest of the Sabbath playing golf or bridge, and there was little more religious emotion in the hour at church than in the secular hours that followed. So why spend even an hour, or give even a dollar?

There are those, however, who in our age take religion as seriously as their forebears did. Recent examples are the Rev. William S. Coffin, Jr., chaplain at Yale University; the Rev. Gaylord Noyce, professor of religion at Yale, and the other professors and students, white and colored, who accompanied them on the Freedom Ride to Montgomery, Ala., where they were all arrested. Returning to New Haven, Mr. Coffin addressed a congregation of some 1,400 students, faculty members and townspeople who jammed Yale's Battell Chapel. Mr. Coffin and his colleagues had indeed done something sensational; they had practiced Christianity. "Our hope," said Mr. Coffin, "was to prove that discrimination is no longer a Southern problem, but one of national concern. There are no longer outsiders in this problem.

All of us are in it whether we want to be or not." Mr. Coffin's religion does not seem to have been attenuated by the emergence of the social sciences.

At the Riverside Church in New York, the senior minister, the Rev. Dr. Robert J. McCracken, cited Mr. Coffin's journey as proof that "religion at its best is never the opiate of the people. . . . It is not the first time that a preacher has gone to prison for conscience' sake. Coffin is in apostolic succession." If one wishes to be in apostolic succession, one must do as the Apostles did. They had a lot of trouble with the authorities, too.

Low in the Saddle

John G. Tower is the first Republican since Reconstruction to win a state-wide election in Texas. He is also the smallest man—five feet five inches is midget stature in Texas—to represent this largest and noisiest state. But for all this, his triumph is not quite as remarkable as it has been made out to be. It does not prove that the New Frontier has slipped or that Texas has swung to the Right. What it does prove is that a Dixiecrat, even if he is a moneybag and close ally of Messrs. Johnson and Rayburn, can no longer count on the blind loyalty of liberal Democrats in Texas. To be sure, in that state special elections are conducted on a nonpartisan basis, so that Senator Blakley's name appeared on the ballot without the Democratic label, just as Mr. Tower's name was listed without the Republican designation. It is also true that the total vote was about 40 per cent less than was cast last November. "Nevertheless," reports *The Wall Street Journal*, "no objective Texan politician would deny that liberal backing would have elected Mr. Blakley." AFL-CIO saw no reason to support Blakley who, in his brief term, had chalked up a nearly perfect Chamber of Commerce voting record. Mrs. R. D. Randolph, a leader of the liberal Democrats, sent out a letter urging voters to "go fishing," and it is apparent that many did, including large numbers of Negroes and Mexican-Americans. Even more significant, perhaps, is the fact that in the preliminary election on April 4 the liberal-labor-minorities bloc failed to thrill to the candidacy of Representative James Wright of Ft. Worth who, unlike Blakley, had a "moderate" voting record.

So what the Tower victory proves is that if the choice is between a conservative Republican, even one who sits as low in the saddle as Mr. Tower, and a conservative Democrat, enough liberal Democrats will defect to insure the victory of the Republican. On balance, this is a favorable omen. Tower will not be more reactionary than Senator Blakley, the Dixiecrat bloc has been reduced by one vote; and, before Senator Goldwater cheers too loudly, let him ponder this riddle: what was on the minds of the 60 per cent of the Texans who voted last November, but stayed away from the polls in this competition between two futilitarian conservatives?

HAZARDS OF CIVIL DEFENSE . . by Carl Dreher

THE OFFICE of Civil and Defense Mobilization is the subject. Senator Stephen M. Young (*Congressional Record*, March 8, 1961) is the speaker:

Since 1951, more than a billion dollars of taxpayers' money has been wasted by the schemes of this boondoggling outfit. Sixty-two per cent of the money requested by the OCDM last year was earmarked for salaries and expenses . . . 40 per cent of the salaried officials received \$10,000 a year or more. . . . American taxpayers are "getting their backs up" and we cannot blame them. . . . Let's stop this nonsense.

Senator Young may have been right in his animadversions concerning OCDM, but he is wrong about the revolt of the taxpayer. This beast of burden may pay no heed to OCDM's behest to build his own home shelter, the thought may cross his mind that OCDM's periodic drills are so much damn foolishness, but sheer force of repetition has convinced him that some sort of civil-defense system is a necessary component of our deterrent strength. Governor Rockefeller of New York was rocked back on his heels when he tried to push through legislation mandating home owners and private business to construct fallout shelters at their own expense, but the legislators and their constituents probably agree, in principle, with *Time's* contention that shelters "would blunt the effectiveness of nuclear blackmail, save millions of lives and ensure the survival of the United States itself in case of nuclear attack."

On the mechanics of salvation, *Time* is vague. This is not 1775, when a citizen-militia could spring to arms and shoot from behind stone fences. Civilians have absolutely nothing to do with deterrence. Retaliatory capacity, the fear of which constitutes deterrence, depends solely on the

CARL DREHER, an engineer turned writer, has long been observing, for The Nation, the social and political implications of the technological-arms race.

missilemen in their hardened bases and, as long as aircraft have a role to play, on the SAC bombers on air alert or able to take off before their bases are obliterated. On the accepted premise of a Soviet first strike, the punishment subsequently meted out to the Russians will be the same whether all American civilians are enjoying Martinis and hors d'oeuvres in their impregnable shelters, or not one remains alive.

The argument that the fate of the Republic hinges on shelters in turn hinges on two assumptions, both dubious. The first is that Khrushchev is bent on a war of mutual genocide, in which he will cheerfully sacrifice 30 or 60 million of his miserable subjects to exterminate 180 million happy Americans, or some lesser ratio, as long as he comes out ahead. Given shelters, after the first strike and the retaliatory strike and the strikes which follow, diminuendo, the survivors will emerge and rebuild the American culture. The second assumption is that the survival of individuals (which, in some degree, under some conditions, shelters may promote) insures the survival of American institutions. Anyone who believes that democracy could survive a nuclear holocaust must believe in fairies.

THE MOST cogent argument against shelters, however, is that while they might reduce casualties, the putative reduction would entail a serious increase in the risk of nuclear war. In 1959, the Special Subcommittee on Radiation of the Joint Congressional Committee on Atomic Energy calculated the possible effect on the United States of a medium-size (1,500-megaton) attack, involving 224 targets, about half of them military. The data presented indicated that roughly 50 million deaths could be expected, about 25 per cent from radiation. Most of the other deaths would be from blast, about which little or nothing can be done. Let us assume, however, that of the 12.5 million radiation deaths half, or say 7 million, could be averted by an extensive shelter program.

If there were nothing else to consider, the argument in favor of shelters would be persuasive. But if the shelter program itself adds to the likelihood of war, then we are advised to risk 43 million lives (50 minus 7) in order to save 7 million. A competent bookmaker does not give odds of 6 to 1 lightly. Actually the odds might be even longer, for OCDM shelter designs do not, in my estimation, promise a reduction of anything like 50 per cent in fallout fatalities.

WHAT IT amounts to is that nuclear war must have a high occurrence-probability, without shelters, before we should consider building shelters and adding to what would be a lower probability without them. If it can be shown that the building of shelters does substantially increase the risk of nuclear conflict, then the gamble is a rash one.

Suppose, contrary to the willful-genocide theory, that the Russians fear our first strike as much as we fear theirs. In that case, a massive shelter program initiated by either side would be a disequilibrating element in the balance of terror. With only ineffectual shelter measures, the civilian population of each bloc are in effect nuclear hostages of the other. Putting them under protective cover deprives the other side of its hostages in proportion as the cover is—or is thought to be—effective. So viewed, a national shelter program is by no means the innocent, passive, non-military defense measure it is usually pictured as being. It may be regarded as a preparation for attack, and when two blocs detest and distrust each other as deeply as do East and West at the present juncture, it will inevitably be so construed.

Of course this holds for both sides. If the Soviets had gone in for an extensive shelter-building program, the compulsive reciprocity of the arms race would dictate that we do likewise. In fact, however, the Soviets have lagged in shelter construction, even of the public type; in the way of family-type shelters,

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which are the current stock-in-trade of OCDM, they are doing substantially nothing. By all the evidence available to the American public—and shelter policy is certainly a public matter—the state of Soviet civil defense has not undergone significant change since the Military Operations Subcommittee of the House Committee on Government Operations issued its report on *Civil Defense in Western Europe and the Soviet Union* in April, 1959. The conclusion to be drawn is that while civil defense and indoctrination are certainly more systematic and extensive in the Soviet Union, neither that country nor the United States has embarked on a shelter-construction program that could be regarded as strategically significant.

Where we rely on OCDM pamphlets, newspapers and magazine articles, the Soviet people are subjected to courses given by the All-Union Volunteer Society for Assistance to the Army, Air Force and Navy (DOSAAF), which also provides mass training in such skills as electronics, gliding, parachute jumping, ship modeling, truck and motor cycle driving, marksmanship, etc.

Barring a deep-seated plot which has been overlooked by our intelligence and publicity agencies, we have little to fear from the Soviet civil defense preparations. The illustrations reproduced from Soviet publications recall nothing so much as those in Agricola's celebrated treatise on mining, *De re metallica* (1556). Shelters are being incorporated in basements of new apartment houses; since shielding depends on mass, these will provide even better fallout protection when the building collapses on them. Smaller shelters are designed as covered trenches or dugouts seating thirty to sixty persons; still smaller types are designed for one- or two-family occupancy in the suburbs.

The general impression given by the shelter phase of Soviet civil defense is the same as that given by the American—one of foggy improvisation, hopeful extrapolation and a pervasive air of unreality. If anything, the Soviet effort is even more absurd in that the trench-type shelters are to be constructed with hand



The Dispatcher

tools only after an "Alert" is sounded. And DOSAAF complains, as does OCDM, of a certain amount of public apathy ("insignificant, it is true").

THE MOST enthusiastic proponents of a big shelter program (or permanent migration underground) are people like Herman Kahn and Edward Teller who, before the event, face the prospect of nuclear war with Spartan-American fortitude. The members of this cabal, with their associates in the Pentagon, envision shelters as an umbrella for a "pre-emptive" strike. Nor is this line of thought confined to the military-industrial-scientific complex. Congressman Chet Holifield wrote in a paper on "Civil Defense" (*Fallout*, edited by John M. Fowler, Basic Books, 1960, page 130): "We must consider the possibility of extremely provocative action against us or our allies—but not direct attack on the United States—by the Soviet Union. What action would we be prepared to take in that event? If our civil defenses were no stronger than they are today, a decision to launch a massive retaliatory assault against the Soviet Union might result in the loss of 50 million or 100 million American lives in the counterattack, even if our strike forces substantially reduced the Soviet retaliatory capability." Accordingly, Congressman Holifield favors a national shelter-construction effort as a necessary ancillary to nuclear retaliation against "extremely provocative action" by the Soviet Union. What constitutes extreme provocation, of course, we will decide.

The mass of our citizens, who cannot conceive of the United States' committing aggression, should take a hard look at this aspect of the shelter program. Air Force policy in regard to civil defense will also bear closer examination. Such an investigation was begun in the report on *Civil Defense Shelter Policy and Postattack Recovery Planning* of the House Committee on Government Operations (July, 1960), which dealt, among other things, with relations between General Curtis LeMay, commander of SAC, and Leo A. Hoegh, then director of OCDM. Both Governor Hoegh and General LeMay assured the committee that cooperation was "excellent," i.e., the Air Force did whatever it pleased. "There is no indication whatever," the majority on the committee concluded, "that civil defense considerations have ever influenced the location or relocation of any missile site to minimize the fallout danger. . . . Persons in communities exposed to the fallout danger are understandably bewildered when they find that the civilian commander of civil defense in the United States really has nothing to say about a civil defense hazard which threatens their very survival."

IT MAY BE that the siting of missile bases is determined solely by economic factors coming under the heading of "utilization of existing military facilities" (and avoiding trouble with Congressmen), by supply and maintenance problems, and by the understandable preference of Air Force personnel for stations within convenient motoring distance of cities and recreational facilities. And it is true that the Air Force is consistent: if it has no mercy on the inhabitants of neighboring communities exposed to blast and radiation, neither does it provide protection for its non-operational personnel or civilian dependents at missile bases. "I don't think," said General LeMay about shelters in general, "I would put that much money into holes in the ground to crawl into, that I would rather spend more of it in offensive weapons in the first place."

But is it not strange that, under the doctrine of Soviet first strike, the

Air Force should doom its own personnel (other than the triggermen on the missiles) and the civilian population which it ostensibly exists to protect? If, however, the Soviet first-strike doctrine is only a cover story, and the Air Force is pretty well convinced that its mission will be to "retaliate," not against a Soviet first strike but against "provocation," everything falls into place. If the Air Force can get in the first punch and is hopeful that it will be strategically successful, stateside missile bases will no longer be prime targets. It will no longer matter much where missile installations are located in reference to cities, whether close in or farther out, upwind or downwind. The U.S. population, with the possible exception of a few million victims of enfeebled Soviet retaliation, will be saved and the Air Force, its savior, having disposed of most of the Soviet missile bases, can deploy its remaining strength against Soviet cities, if necessary. On this hypothesis, Air Force siting and shelter policy, while perhaps too optimistic, may be neither as inhuman (as far as Americans are concerned) nor as illogical as it appears on the basis of a pledge never to strike the first blow.

THE CHIEF, though concealed, function of OCDM is to front as the public-persuasion agency for the preemptive war interests. The fact that this is neither the avowed aim of the organization nor the conscious intention of most of the staff is of little interest. Publicity people, even more than others, are to be judged by quite other criteria than their own opinion of themselves, their social role and the results of their labors.

OCDM's primary open activity is to arouse religious, educational, labor, veterans', farm, fraternal, governmental, civic and business organizations to the existence of a peril and to devise means of meeting it. The peril, though it is of our creation as much as the enemy's, certainly exists. But, once the enemy's missiles are launched, there is no way of coping with it. Unless we posit a successful first strike on our part, the shelter solution is pure quackery. As far as weight-lifting capa-

bility is concerned, the Soviets can already put 35-megaton bombs into intercontinental trajectories. Even the 100-pound-per-square-inch missile sites now under construction here will be vulnerable by the time they are finished, if they are not already. There is no foreseeable limit to the size of the bombs and the means of delivery. By all indications the offense is permanently ahead of the defense. The technicians who are plugging the anti-missile missile are visionaries who, in private enterprise, could not raise a plugged nickel for their schemes. The fallout shelters OCDM is promoting may reduce the number of casualties today (though at a considerable discount from the OCDM estimates); tomorrow they will be as obsolete as a 1905 Ford.

OCDM ALSO has a mass-shelter policy. *Civil Defense Shelter Policy and Postattack Recovery Planning* says:

... The OCDM shelter-survey program resembles the mass evacuation policy emphasized by the OCDM predecessor agency, the Federal Civil Defense Administration. . . . The evacuation policy led to a simple designation of exit routes and evacuation-reception areas. No plans were made for provisioning these areas with the basic supplies and equipment which would be required to sustain an evacuated population at even the barest level of subsistence. The shelter survey is aimed at identifying shelter spaces in existing structures. Little or nothing is being done to improve the shielding factor of the structure or to make those spaces habitable and to provide essential supplies for emergency use.

These token shelter areas are mostly in the downtown sections of cities. In effect, the business population are told that in the event of an attack during business hours they should stay where they are for two or three weeks, without power, communications, food or water, in the hope there will be enough shielding to enable them, and whoever else crowds in, to survive. The wife and kiddies must shift for themselves.

For one group of citizens, however, quite adequate survival quarters are being provided, at public expense. The favored group is the

higher-echelon personnel of OCDM itself, together with their retinues. *The New York Times* (May 14, 1961) reports that construction has begun on a "vast underground fortress" at Denton, Texas, the seat of OCDM Region 5, to accommodate 500 persons on an emergency basis for thirty days. Similar underground facilities, at about \$2,500,000 apiece, are projected for the other seven regional headquarters of the agency. Each fortress, OCDM points out, could be used as an alternate national capital in the event of unavailability of the President's shelter, the location of which is classified and known only to about half the population of Washington, D.C.

The regional H.Q. at Denton will be topped by a "modernistic" building with offices, a public reception center and a snack bar. The operation of the fortress beneath will in no wise be hampered should the modernistic building be destroyed. The fortress will be able to withstand the blast of a 20-megaton bomb at a distance of three miles. Hydraulically operated doors of 16-inch-thick concrete will seal off the underground center. With its own power plant, water well and other utilities, the two-story, 142 by 172 foot structure will be a "self-sustaining, buried city," a forerunner of the coming underground culture. Fresh filtered air will be continuously supplied. Fallout detection instruments on the outside will telemeter gamma radiation to the inside so that the denizens will know when they can safely emerge, look at the sun and see how the ordinary citizens fared. Business will be carried on at the upper level, which will include a key communications center of the civil defense agency's nation-wide telephone, telegraph, teletype, facsimile and radio networks. The lower level will accommodate the kitchen, refrigerator and freezer rooms, storage rooms, dining area, men's bunking area, women's bunking area, sick bay, power plant and maintenance rooms.

Obviously OCDM practices what it preaches — that nuclear war need not be so bad after all, provided one is well prepared.

If one believes in democracy, one must also believe that the public is

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often right without knowing why. The man in the street remains largely indifferent to the shelter program and civil defense in general. Fifteen million copies of the OCDM bible, *The Family Fallout Shelter*, have been distributed, but the number of private shelters actually built is insignificant in proportion to the number of private residences. This is one case where easy credit has failed to move the goods. FHA will insure Title 1 loans up to \$3,500 for improvement of property, which includes fallout shelters. Yet, despite OCDM's preachment that a shelter may save your life, that of your family, and that of the nation, few home-owners have applied for loans for this purpose. Only in a few spots—Southern California, for example—is there a fair amount of activity, and even there swimming pools vastly outnumber shelters.

OF COURSE, even in the affluent society, many householders are already mortgaged to the ears. Others are reluctant to spend for anything except gracious living. But none of this can account for such wholesale abstention. It must be that many who could afford \$500 to \$1,000 for a shelter or, at smaller expense, build one for themselves, realize that more often than not the shelter will be useless. Where the intensity of radiation is high, the protection factor of the ordinary shelter will not reduce the absorption of the occupants to a non-lethal level. There are all sorts of other risks. Shelters may crumble under blast even at great distances from ground zero. Buildings may collapse on them and burn. A fire storm may leave no air. The ventilating system, if it is operated during the period of active fallout, may suck radioactive dust into the shelter. There are innumerable ways of dying in a nuclear war and probably more people would perish in shelters, or die soon after emerging, than would come out with health unimpaired.

But all these drawbacks cannot entirely explain public apathy, since most people receive a more optimistic forecast and may half-believe it. There must be a large proportion of passive conscientious objectors—per-

sons who have aesthetic-ethical reasons for not buying. They realize that any survivor of an all-out nuclear war will thereafter live the life of Hobbes's primitive man—solitary, poor, nasty, brutish and short. There must also be those who reflect that if men prove capable of doing this to one another, whether we do it to the Reds or the Reds to us, they will have lived long enough in that company.

FOR THOSE who prefer a more activist role and who can risk a fine or jail sentence, there is an opportunity once a year to join a demonstration against the travesty of civil defense drills. Actually this is a counter-demonstration against the local civil defense politicians who put up a sign designating a building as a shelter, even if it would be knocked over by a bomb exploded ten miles away or has a lobby entirely enclosed by glass. But it is not for the ordinary citizen to argue with the man in the tin hat. Token compliance, such as standing in a doorway, may be enough, but some gesture of submission must be made.

The chief counter-demonstration is held every year in City Hall Park in the City of New York. It drives the Mayor to Times Square, where he poses for the photographers with a walkie-talkie and admires the empty square. But City Hall Park is jammed and the riot act is read by a civil defense police official without result. *Ipso facto*, the regular police, temporarily relieved of the obligation to protect the public against criminals, are pitted against college students, non-conformists, intellectuals, idealists, beatniks and other impotent enemies. To the credit of the police, they go about their duties mechanically, loading the prescribed number of demonstrators—about one in thirty—into the paddy wagons and behaving, on the whole, with unwonted forbearance.

Later, for the defiant ones the day of reckoning is at hand, and for the local Office of Civil Defense the day of vindication and pride in duty well done. The punishment varies, depending on the officiating magistrate, his civic and religious views, and his degree of indignation at discovering



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a political offender among the usual grist of prostitutes and pickpockets. Some of the magistrates regard a first offense as scarcely more serious than a parking violation, but are wary of appearing to be soft on dissenters. Others can hardly contain themselves. One, who had already been censured by the Appellate Division of the State Supreme Court in another connection, sentenced two college students, a boy and a girl, to sixty and thirty days, respectively, when they refused to avow a belief in divine providence or to swear that they would not participate in next year's protest (subsequently, the girl was permitted to change her plea to "not guilty," and her case is now on appeal).

Still the ranks of the defiant ones increase. Last year fewer than 500 persons stood their ground in City Hall Park. This year the tabloids estimated the crowd at 500, *The New York Times* at 700-800, more sympathetic journalists at 2,000. The actual number was probably between 1,200 and 1,500. At this rate, in a few years City Hall Park will not hold them all and the demonstrators will overflow into the surrounding skyscrapers and be indistinguishable from law-abiding citizens.

The demonstrators this year covered a wide spectrum of political attitudes. What they seemed to have in common was a conviction that they couldn't lose. If the holocaust is averted they will have had a part, however small, in averting it. If the holocaust comes, they will have played the part of human beings, and they will be no more dead than the magistrates.

THE VIEW from PUERTO RICO.. by Rexford Guy Tugwell

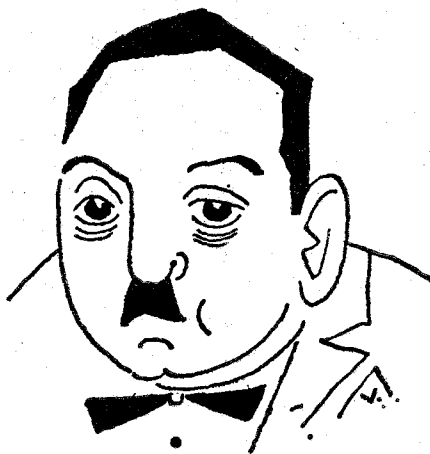
San Juan, Puerto Rico
PUERTO RICO is an interesting place from which to look around these days. The islanders have watched the blundering in Cuba with a kind of sorrow mixed with shame. Their affiliation with the United States makes it difficult for them to explain the obtuseness evident all the way through the incident. If they had been consulted, they would have told the President's advisers how deep the Cuban revolution ran and how fatal it was to entrust the anti-Castro operations to those whose main hope was the re-establishment of the *status quo ante*. And they are now entitled to ask whether their own social revolution, carried out back in the forties, is safe from the dominant forces around Kennedy.

Nevertheless Governor Luis Muñoz-Marín, the other day, made a speech to a group of conventioning North Americans, in which he bravely made the only distinction he could make. The United States, he said, had never moved to interrupt the progress of changes in Puerto Rico, which ran against the deepest convictions of such powerful conservatives as Robert A. Taft. And Castro could have had the same sort of tolerance if he had appealed to the generous and tolerant impulse he could so easily have reached, instead of offending even the most liberal opinion. To the rest of Latin America, he said that this was their best hope for bloodless reconstruction. It need not be suggested that the Puerto Rican pattern must be followed; only that, whatever the pattern, the United States be asked to extend the same friendly help.

What he did not say, but clearly implied, was that this was actually the only hope for the southern republics as the problems of the next few years close in on them. If they

try to be effectively neutralist, they will lack the capital and expertise necessary to raise the levels of living. If they turn to the Communists, they will find themselves caught, as Cuba is, in the Communist net without actually being taken into the fold. The realists in the Kremlin will not risk much, beyond what will annoy the United States, so far beyond their borders. And, of course, Puerto Rico is a solid achievement, impossible for the detractors to explain away. And it could not have been done without massive assistance steadily maintained over many years.

Puerto Rican leaders are beginning



Luis Muñoz-Marín

to speak not only with the authority of success, but in the consciousness of acceptance. A few have been taken into the State Department; and one has even been made an Ambassador — Teodoro Moscoso in Venezuela. If their advice as well as their services were utilized, such fiascos as Cuba would certainly never happen. Even now it is not generally realized that Puerto Ricans have been citizens since 1917. When the Cuban invasion occurred, a disconcerting sequence followed here. Suddenly the planes were almost empty and the hotels on the island deserted. Obviously the prosperous Americans, who have been coming to this perfect winter climate in increasing numbers, thought that the disturbance threatened Puerto Rico. So to the obtuseness of policy makers, Puerto Ricans have to add the unwelcome conviction that North Americans generally

are not very clear where the island is.

Still, there is a sense here of accomplishment that is something to be proud of, even if the accomplishments are not as well known as might be. And this emboldens some leaders to proffer advice—unasked, it is true, but obviously needed. Dr. Jaime Benítez, Chancellor of the University of Puerto Rico, has recently made several speeches to California and other audiences that cannot be read without wonder why such good sense and genuine affection for the nation has not long ago been substituted for the sort of misunderstanding which must have prevailed in the White House since the beginning of the new regime. Let me quote briefly from the last of Dr. Benítez's speeches:

For all the flourishes and fanfare that have marked recent relations between the United States, Cuba and Latin America, the sad fact is that, aside from presenting an opportunity for showing in their worst light all the most glaring prejudices and inadequacies of hemispheric relations, nothing has been changed, nothing solved, nothing done. The whole Cuban situation has been a tragi-comic alarum and excursion, providing distraction from the real issues. . . . The real question has been, long before Castro took power, and will be, long after he is gone, how shall the relations between the United States and Latin America be governed so that the whole hemisphere benefits. . . .

It is to be hoped that the Chancellor — and others — will go on talking. They have something to say, coming out of experience, and, of course, an understanding that none of us other-descended Americans seem to be able to acquire.

In this same speech, the Chancellor summed up as follows:

1. The events of the week of April 17 were the reflection of an unhappy obsession with Castro, and, regrettably *Fidelismo* continues to provide too great a distraction from more important concerns.

2. The major concern of United States policy, as reflected in this obsession, is negative rather than positive.

REXFORD GUY TUGWELL is a former Governor of Puerto Rico and a former Chancellor of the University of Puerto Rico, where he is now resident. His latest book, *The Light of Other Days*, will shortly be published by Doubleday.

3. The accent on defending the hemisphere against communism puts the emphasis in the wrong place, for not only does the danger come from quite another direction, but also the defensiveness in itself is a weak attitude.

4. The Cuban situation is complicated by its dual nature as a genuine revolutionary movement, now firmly entrenched, and as a dangerous form of mobocracy, in

which the lower elements have gained the upper hand.

5. The difficulty in the position of a democratic nation like the United States, or in the positions of the other nations of the hemisphere that are being asked to pass judgment on the Cuban regime, lies in distinguishing between these two aspects of the situation, one of which requires open advocacy and the other adamant condemnation.

The source of this good sense seems to have been discovered by the State Department. Now, if the department can recover the direction of foreign policy from the CIA, wiser counsels may prevail. The coming revolutions in nation after nation throughout the world may be of a kind that civilized democrats can live with, and even, perhaps, be proud to have assisted.

Congress and Conflicts of Interest.. by Bernard Schwartz

EVERY SO often, anthropologists tell us, the Indians of the Pacific Northwest engage in the so-called "potlatch" — a ceremonial festival during which the great chiefs of the tribe give away their personal wealth.

Every four years or so, a not dissimilar ceremony takes place in Washington, D.C., during hearings on the confirmation of Cabinet appointees. One by one, the appointees dutifully divest themselves of their muniments of corporate wealth in order to receive the Senatorial imprimatur necessary for their high offices.

In recent years, the American people have been subjected to a vigorous campaign to persuade them that this forced divestiture of stock is as socially wasteful as the potlatch ceremony. According to a Senate report published earlier this year, the requirement is a "Draconian penalty upon nominees" which serves as a deterrent to government service. More, it is increasingly urged that the conflict-of-interest laws themselves are, in many respects, outmoded. These laws, asserts the same Senate report, "as now written, place needless obstacles in the path of

citizens asked to accept government jobs." The same view was stated in President Kennedy's special message to Congress on April 27.

Interestingly enough, the move to relax conflict-of-interest prohibitions has grown directly out of the widespread dissatisfaction currently felt with ethical standards among government officials. In the President's words, "In the past two decades, incidents have occurred to remind us that the laws and regulations governing ethics in government are not adequate."

The instances of official impropriety that have come to light have led to a number of studies of the conflict-of-interest problem, both within and outside the government. Senate and House committees, a panel appointed by President Kennedy soon after his inauguration, a committee set up by the Association of the Bar of the City of New York — all have reviewed and issued reports on the problem. The reports agree that there is a need for revising the pertinent statutes; but, while they recommend tightening up the laws in some respects, they would loosen them in others.

BERNARD SCHWARTZ made headlines in 1958 when he was dismissed as counsel for the Congressional Subcommittee on Legislative Oversight after he had accused the subcommittee of "whitewashing" in conflict-of-interest cases. Now teaching law at New York University, he is the author of The Professor and the Commissions (Knopf).

THE conflict-of-interest laws consist essentially of seven statutes enacted during the last century: one bars a federal official from acting for the government in business transactions in which he has any personal economic interest; five prohibit federal employees from working for outsiders in their relations with the government (two of these apply for

two years after the employees leave federal service); the last forbids private compensation for government work. All but one of the prohibitions is enforceable by criminal penalties.

The oldest of the statutes dates from the post-Civil War period. This, we are told, makes all of them archaic. They are, declared Senator Jackson in a recent article, "more concerned with the problems of the Civil War period than of today's cold war." In actuality, of course, the statutes are aimed at a problem far older. No man, reads the Biblical injunction, can serve two masters. From the beginning of representative government, the community has been faced with the danger that a governing official would use his position to serve, not society, but his own personal interest.

This danger has always been particularly acute under republican systems. From the Roman Republic in ancient times, to the Fourth French Republic of our own day, corrupt influence has been the perennial spring of democratic decline.

In enacting the conflict-of-interest laws, the Congress sought to mitigate this danger. "The evident purpose of Congress in all this class of enactments," the Supreme Court has stated, "has been to promote . . . integrity in the discharge of official duties." The public officer, like a trustee, must be held to something stricter than the morals of the market place.

There are those who assert that any statutory attempt to deal with



Herblock in the Washington Post

"About conflicts of interest—uh—where was I?"

the conflict-of-interest problem is bound to be ineffective. Thus, we are subjected on all sides to re-statement of the hackneyed proposition that it is futile to legislate honesty and ethical conduct.

To be sure, we must recognize practical limitations on the effectiveness of laws operating in the moral sphere. At the same time, as Justice Frankfurter has said, "To approve legally what we disapprove morally, on the ground of practical convenience, is to yield to a short-sighted view of practicality." Civilized society has always legislated morality, and every criminal code, from that of Hammurabi to our own day, is articulate evidence of that fact.

THE GREAT need in government at the present time is for Congress to enact a general code of ethics separating permissible from improper conduct on the part of federal officials. Even if the current conflict-of-interest problem is as much moral as it is legal, it remains the responsibility of our legislators to prohibit legally that which is deemed socially undesirable. The law, by its very existence, sets a moral standard for the community and thereby, to some degree, influences its conduct.

In considering any code of ethics to replace the present conflict-of-in-

terest laws, two principal points must be borne in mind: the first is its substantive content; the second, its applicability.

As far as content is concerned, the code should seek to accomplish two main ends: (1) bar an official from participating in governmental action in which he has a personal interest; (2) prohibit officials from receiving personal profits because of their governmental positions.

It is the first of these goals that has led to the requirement of stock divestment for Cabinet candidates. But the requirement has been applied haphazardly, primarily by the Senate Armed Services Committee. There is need for a broadside prohibition against any action by an official which may affect his private interest. The present conflict-of-interest provision is not wide enough in this respect, since it forbids only transactions with any "business entity" in whose profits the official is personally interested. The prohibition should extend to transactions with *any kind* of entity in which the official has an economic interest. The bar should reach cases where the interest is formally owned by a close relative, or where the official has an understanding as to future employment with some person or firm.

The government official who makes arrangements for such future

employment often presents an acute problem. A flagrant instance involved former FCC Chairman McConaughy. While he was chairman, he negotiated an agreement to go into law practice with an attorney who represented an applicant for a contested TV channel in Pittsburgh. The attorney promised to "cooperate" in helping McConaughy to earn \$160,000 in legal fees. The agreement was made while the case was pending before the commission. We do not know if McConaughy gave anything in return for the promise held out to him. But we do know that the FCC formally approved the TV award to the attorney's client less than a month after McConaughy left the agency.

To one familiar with the facts of Washington life it is amazing that there is no legal prohibition against the receipt by officials of things of value given them because of their government positions. "One of the most important jobs of some Washington lawyers," asserts former federal Judge Justin Miller, "seems to be the buttering-up of agency members and their staffs." Yet, despite the public furor aroused by the favors received by Sherman Adams, FCC Commissioner Richard Mack, and their counterparts in other administrations, there has never been any general statutory bar against such actions.

Government employees should be prohibited from receiving gifts, favors, or any things of value from anyone who does business with, or is regulated by, their agencies. In his April 27 message on conflicts of interest, the President said he planned to issue an Executive order barring this kind of gift-giving. One wonders, however, whether the proper place for such a prohibition is not a statutory code, where it can be backed by appropriate criminal sanctions. Covenants without the sword, says Hobbes, are but empty words.

THERE IS no real dispute about the substantive content of proposed legislation to deal with the conflict-of-interest problem. All of the recent studies that have been made agree generally on the need to outlaw the use of public office for private gain.

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The area of disagreement concerns the *applicability* of legislation in this field.

The present laws apply without exception to all officials in the Executive branch. Many of the recent proposals, on the other hand, urge that the prohibitions be relaxed for certain types of officials. Thus, President Kennedy, in his recommended legislation, would remove the statutory bars on most individuals whose services are used on a part-time, or advisory, basis by the government. These individuals, the President proposes, would be exempt from the prohibition against carrying on private business in which the government has an interest.

One may doubt whether this exemption is justified. Earlier this year, the Supreme Court was asked to rule that the government had improperly canceled the Dixon-Yates contract on the ground that it was unjust to apply the conflict-of-interest prohibition to a part-time consultant. An application of the bar to such an individual, it was urged, "will make it impossible in the future for the government to obtain the services of private consultants on a part-time basis" — which is exactly the argument, it should be noted, used in the recent studies already referred to.

The argument was categorically rejected by the Court. As the Chief

Justice well put it, "A key representative of the government who has taken an oath of office, who has no tenure, and who receives no salary, is just as likely to subordinate the government's interest to his own as is a regular, full-time, compensated civil servant."

Even more important, so far as the question of applicability of conflict-of-interest prohibitions is concerned, is the limitation of present and proposed laws to officials in the Executive branch. Senators and Congressmen themselves are thus exempt from the statutory bars which bind all other federal officials. Members of Congress vote on gas bills while holding stock that rises sharply if the bills are passed. They own oil wells and vote on tax depletions for oil. They serve on committees that have jurisdiction over airlines and railroads, while they themselves own airline stock or receive legal fees from railroads.

FROM AN ethical point of view, the Congressional immunity in this respect is bound to give rise to uneasiness. "I fear," asserted the late Senator Neuberger a few years ago, "that it has a corroding effect on government generally when a member of the President's Cabinet can be ordered to jettison his corporate portfolio by Senators who themselves may be dabbling in oil, cotton fu-

tures, television, hotel chains or uranium."

"No man," says Herbert Spencer, "can be . . . moral till all are moral." This is particularly true of the relationship between Congress and the Executive branch. We can scarcely expect proper ethical standards to prevail in the rest of Washington when standards are flouted at the Legislative end of Pennsylvania Avenue. A house that is morally divided against itself also cannot stand.

It should be noted that none of the proposals so far offered for changes in the conflict-of-interest laws would extend their prohibitions to members of Congress. President Kennedy stated in his April 27 message: "The adequacy and effectiveness of laws regulating the conduct of members of Congress . . . should be left to strictly Congressional determination." But as past experience shows, this is virtually the same as recommending that Congressional immunity should continue.

It is this Congressional immunity that really is the crux of the conflict-of-interest problem. Unless the prohibitions against conflicts are applicable *throughout the government*, they can hardly be fully effective. In this respect, our system has its counterpart in Gresham's Law: bad morals, like bad money, tend to drive out good.

BLUE-LAW BLUES . . . by Ralph Nader

LAST week the U.S. Supreme Court, by varying majorities in a series of decisions, upheld the constitutionality of Sunday blue laws. The effect will be to plunge an already confused situation into hopeless chaos, and to make state legislatures the battleground for opposing lobbies, each seeking to profit from the Court's decisions.

The blue laws, hardy vestiges of pre-revolutionary clericalism, have

RALPH NADER, a member of the Connecticut bar, is an occasional Nation contributor.

been a bone of contention for years. Driving for repeal, or exemption, have been the discount houses, shopping-center merchants and minority religious groups (Jews, Seventh-Day Adventists). Pushing for stricter laws and more enforcement have been the large downtown merchants, Protestant and Catholic organizations, and certain union locals.

Such an alignment of commercial and religious groups reflects the manner in which the blue law, originally conceived to coerce church attendance and prevent profanation of the sacred day, has been seized upon

to achieve a motley variety of secular ends. Over the years it has been so raked by special interest groups, and so whimsically enforced, that its vagaries from state to state and from township to township baffle more than laymen. Even the Harvard International Law Club was tripped up recently and had regretfully to cancel its annual Christmas dance owing to a conflict with the Lord's Day Act of Massachusetts.

The thirty-four states that have blue laws show the result of this patchwork process. A majority of the states forbid activity in four

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areas—"servile" labor, selling, sports and amusements—but exclude works of "necessity and charity" such as utilities, communication and transportation facilities, gasoline stations, restaurants and, in a few states, factories operating around the clock.

Beyond these rough categories, however, lie the innumerable amendments (Massachusetts harbors seventy since 1858) that have made these laws tolerable for groups that otherwise would have challenged the whole structure. The niches of special consideration give each state its particular anomalies. Digging for clams is permitted in Massachusetts, but not dredging for oysters; selling antiques in Connecticut, but not reproductions; taking in a movie or a Phillies game in Pennsylvania, but not golf tournaments, basketball or the legitimate theatre. In states where taverns and amusement parks thrive on Sunday, people have been prosecuted successfully for selling groceries, furniture, cars and flowers; for conducting concerts, parades or meetings; for dancing, indulging in sports, washing one's car and clothes, or painting one's house. And on the same day that the Supreme Court validated the Constitutionality of blue laws, a New York State court declared that coin-operated laundries could remain open on Sundays.

TO THESE unreasonable discriminations in the written law is added sporadic and discriminatory enforcement. Events in Lehigh County, Pennsylvania, are acutely illustrative. Arrests and prosecutions of employees of the newly opened branch of the Two Guys discount chain began in December, 1957. Yet throughout the county, a wide variety of stores and industries were in operation as usual. In a suit by Two Guys to enjoin enforcement, the district attorney admitted the intentional absence of Sunday law enforcement in Lehigh County for many years. Evidence also indicated that business competitors played a major role in inducing the special crackdown against Two Guys.

Along with challenging the Constitutionality of the law, Two Guys urged that enforcement against their own store was so discriminatory as

to be a denial of due process itself. They lost in the trial court and have now, along with cases from Maryland and Massachusetts, lost in the Supreme Court. (Meanwhile a new district attorney, who took office late in 1959, has chosen not to enforce the law.)

Sunday laws have consistently been used as an instrument of personal and economic vengeance, religious persecution and political largesse. They have been invoked to close the neighborhood grocery on urgings by the chains, and to force the sectarian majority's will on Jews and Seventh-Day Adventists. For years, Philadelphians observed periodic pre-election arrests along pushcart row at Fourth and South Streets at the order of the City Hall machine — and the immediate dismissal of the charges as a favor from the same machine. What is new is that today a growing segment of business is committed to Sunday selling. In going after these large retailers, blue-law backers are stalking big game.

THE STRUGGLES between retail blocs aside, the chief upholders of the blue laws are religious groups — essentially the professional Protestant Sabbatarians like the Lord's Day Alliance, and the Catholic Church. The Lord's Day Alliance considers as encroachments on the "proper observance of Sunday" not only commerce and industry, but any secular activity, whether recreational, educational, civic, fraternal or charitable, that is scheduled during church or youth meeting hours.

The Alliance rejects the claim that Sunday laws require minority religious sects to cease work for two days as the price of adherence to their faith. "It would be impossible," says an Alliance pamphlet, "to have a law any different from the one under which we function. In our American way of life, the majority rules." As for the alternative, i.e., a law requiring one day of rest in seven, but not specifying the day, "[This] would completely destroy the Lord's Day as the day of worship for the majority of people in our country. It would violate the command of God."

Leading Catholic clerics depict the struggle as one "between faith and unbelief" (quoting Pope Pius XII), while urging their laity to cease patronage of closing-law violators. Only in the postwar period has the Church become so militant on this issue.

The heightened conflict is leading some Protestants to reassess the meaning of Sunday in Christianity. A Presbyterian group, reacting to a wave of blue-law arrests in Pennsylvania in 1959, had this to say: "We seek the counsel of all who are concerned that the laws of the state protect not only the rights of Christians, but of other groups equally. When Christians sense the significance of a day of renewal of faith, dedicated to God, it will be observed in faith, not depending on legislation." Such thinking is admittedly representative of only a minority. The stands by most Protestant and Catholic bodies, however well-intentioned, indicate a deeply rooted antagonism toward the Constitutional framework for church and state within which our nation has developed.

THE POSITION of many who are aggrieved by the Sunday blue laws is just as disturbing. Major Jewish groups would be quite happy if the laws were merely amended to give them an exemption; the aggrieved merchant groups would be similarly satisfied. While such self-serving advocacy may be tactically sound, it constitutes a disservice to the principle at stake — which is whether there should be any blue laws at all, for Sunday, Saturday or any other day. (Only the Seventh-Day Adventists challenge the basis of the laws; they point out that exemption for Saturday observers by no means removes the serious Constitutional and administrative problems involved.)

The fundamental objection to Sunday legislation is that it offends both religion and liberty. Inspired, as I have indicated, by the established churches during colonial times to stop secular diversions, the blue laws suffered remarkably few impairments even after the Constitution had es-

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BOOKS and the ARTS

The Cult of Inscrutability

A CURSE OF BLOSSOM: A Year in Japan. By Quentin Crewe. Weidenfeld and Nicolson. 176 pp. \$4.50.

JAPAN. By Sir Esler Dening. Frederick A. Praeger. 257 pp. \$5.85.

THE FLOWERY SWORD: Travels in Japan. By Ethel Mannin. Hutchinson. 288 pp. \$5.50.

JAPANESE INN. By Oliver Statler. Random House. 366 pp. \$6.50.

Donald Richie

JAPAN, say some Japanese, is like France: It is a very cultured country with long traditions and sensibilities which are somehow more acute than those of other peoples. There is also another similarity, not often mentioned. Like France, Japan has somehow made the world swallow whole a completely misleading, if flattering, picture of itself. There is a difference, however. Anyone who has spent any time at all in France will have his own opinion of French sensibility, or French logic and reason, even of the invariable excellence of French cooking. In Japan, however, the same traveler will blindly subscribe to a mystique which insists that the Japanese are wholesale aesthetic, not a particle materialistic, much given to complete oneness with nature, and by birth a superlatively contemplative people.

A resultant assumption is that, given these virtues, the Japanese are inscrutable, and that somehow we will never understand them. This belief, subscribed to most enthusiastically by the Japanese themselves, is not true. At least, the people of Japan are no more inscrutable than are the people of Brooklyn. Yet, in varying degrees, one finds it assumed in almost all Western writing on the country.

OF THE four books mentioned above, the first three are by a Cambridge-graduated intellectual, a career diplomat and an extremely prolific lady traveler and novelist. About Japan this unlikely trio completely agrees: Japan is different; Japan is barely to be understood.

Quentin Crewe, according to his publishers, "does not believe in the 'mystery

of the Orient.'" But perhaps they did not read the book. He is so convinced of the difference of the Japanese that he quotes Ruth Benedict as though she were gospel, and writes sentences such as: "The Japanese face has another quality . . . that of sadness. The Japanese smile little." Can you imagine anyone writing seriously: "The French (English, German, Americans) smile little." Still, in books on Japan — the country being all things to all men — one can usually find an antidote to any statement. In *Japanese*, Cecil Beaton committed himself to: "One reason for the perennial youth of these people is that there is never a frown or look of anxiety on their faces."

Mr. Crewe is aware of certain dangers, however. He is not to be taken in by any of the differences he discovers. He and Arthur Koestler (they traveled together at one point) agree to find nothing in Zen; he is brave enough to say that to him naked wood is "depressing"; and whenever a Japanese does or says anything sensible he finds him "Westernized."

Miss Mannin, on the other hand, is not nearly so well aware of a Japan vogue, and hence does not fight against it. She is of the generation given to translating Japanese names ("Mr. Bright-Ocean" . . . "Mr. Clouds-Above-the-Sea"); in addition, she honestly rather disliked the country. Yet she is acutely aware of differences. She is constantly "defeated" by things: by the food, by the music, by Zen, and — incessantly — by the bath water. She apparently never stuck a toe into any which was not "murky." Also, though she is "prepared to do a good deal to get material for a book," she disliked conversation with the Japanese. No sooner has one come up to try out his English than "fortunately the train (bus, boat) was in sight." Paradoxically, and like Mr. Crewe, she is a transportation snob ("I am speaking of third-class coaches; I have no experience of second-class") and is most pathetically determined to get at the people.

That she cannot she blames on the language, their fluency and her ignorance. She, like Mr. Crewe, speaks of its monstrous difficulty (spoken Japanese is no more difficult than spoken Spanish, and much less difficult than German, Russian, or English) but, unlike

him, makes no attempt to learn. For that matter, though, I find Mr. Crewe's accomplishments suspect: he is full of pidgin English and self-depreciation at the beginning of the book, but toward the middle is interpreting abstruse Zen for an incredulous Koestler.

Both writers are inclined to rush to authorities at times of stress. Mr. Crewe has St. Benedict, and Miss Mannin has the "official guide" which she quotes, apparently, in full. Passing through Nagoya she has her nose so deep in its pages that she announces that a castle site has now become a park, when a glance out the window would have revealed that the park is again occupied by a brand new castle.

AS authority-chasers, however, both are left far behind by Sir Esler Dening, who was British Ambassador in Tokyo from 1952 to 1957. Though offering no bibliography, he has managed to include, I would think, every major authority on the country, sometimes with a nod (Sansom), sometimes without (Reischauer).

Further — Mr. Dening has not been a diplomat for nothing — he has the knack of supporting the outworn thesis ("Nobody would deny that the initial attacks of the Japanese forces [at the beginning of the Pacific War] were superbly conceived and executed" — an observation now generally denied); the gift of caution (of the Noh he says, "It is permissible to wonder to what extent it has an appeal to the younger generation of Japanese as a whole."); and the courage of complete evasion ("It is still too early to estimate the ultimate effect of the Allied Occupation of Japan" — and so, for a whole chapter, he does not). Like many diplomats, when he has received good advice he is good; at other times he falls into error. One such is that he misdefines a gangster grouping and then (it is *gurentai* rather than *garenati*) gets the name wrong.

To be sure this is a word that never once passed his lips. His information comes, if not from books, then from English-speaking Japanese, a very special breed. And, like Miss Mannin and Mr. Crewe, he takes whatever the Japanese tell him and calls it typical. Not, one suspects, that the Japanese ever told him much — Mr. Crewe is very funny on life in the British Embassy compound and the "pet" Japanese there. Still, one finds all three interpreting Japan upon the authority of some Eng-

DONALD RICHIE, film historian and critic, author of *Japanese Movies (JTB)* and co-author of *The Japanese Film*, is at present in Europe working for the German film industry.

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lish-speaker who waylaid them on subway or boat. One imagines with delight a book on France in which all source material is gathered from encounters in the Metro beginning with: "Our yew Ingleesh ou Americaine?"

GIVEN that the Japanese are just as enthusiastic about their inscrutability as any visitor could desire, the resulting interview is usually opaque. The searcher must either read all manner of meaning or even fabricate as, I suspect, did Anthony West in that really impossible Japanese he says he met in Yasukuni Shrine, as does Maraini in *Meeting with Japan*, that most pernicious of all books on the subject, and as does Crewe with his Zen priests. Or he must delve into himself and give an honest reaction.

This, all three do. Crewe forgets to difference-hunt and is very good in speaking of Japanese character, quoting such telling phrases as: "The Japanese have two faces. It is quite impossible for them to talk to foreigners as they talk among themselves, so you will find it very hard to get at the facts," but getting at the facts none the less. Miss Mannin is good on Hiroshima, a spectacle which usually jolts the visitor from the grip of the mystique. Her coverage of how the bomb got dropped is the sole reason for reading her book. She presents it with extreme cogency and quotes authorities (i.e., Harry Elmer Barnes in a little-known letter to the *Observer*) which contribute to a picture very different from the official one. Even Denning occasionally drops the diplomatic pose. On tea ceremony: "Why this travesty . . . is thrust upon the unsuspecting visitor is not clear, but possibly the behaviour of the victim is not without humour to the Japanese."

What is missing, however, is any affection for the country all three have chosen to write about. Japan is always a case history, a strange never-never land; reading these books one would scarcely imagine that human beings inhabited it. Certainly none of them felt much desire to visit it in the first place. Crewe says, "My wife and I decided practically at random that we would go somewhere"; Miss Mannin, driven from country to country like some kind of Women's Rights Flying Dutchman, finally finds a place she likes, the really lovely island of Kashikojima, and wanted to stay, "but there was no valid reason for spending more than twenty-four hours there; it was of no historic or cultural interest"; and Mr. Denning, of course, goes where he is told. Thus, since everything is out of context, even the emotional context of liking where

you are, it is natural that everything is strange and as different as can be.

IT IS for this reason that Oliver Statler's *Japanese Inn* is such a relief. This historical novel (for that is what it is) is animated throughout by a real love for Japan and the Japanese. Following the fortunes of the Minaguchi-ya, an inn on Suruga Bay, he reconstructs Japanese history and, more important, gives you a very real impression of what the Japanese are like.

Irish Underground

PROTEST IN ARMS: The Irish Troubles 1916-1923. By Edgar Holt. Coward-McCann. 328 pp. \$5.

Vivian Mercier

EDGAR HOLT, in spite of a certain bias in favor of his fellow Britishers which irritated Frank O'Connor, has succeeded in writing a more nearly impartial book than any comparable one produced by an Irishman. I would have no hesitation in recommending *Protest in Arms* to anyone unfamiliar with the "Troubles" (a charming and authentically Irish euphemism!). In the first place, it is well written; Mr. Holt, who is presumably a journalist, has blended an immense number of facts into a smooth, rapid narrative. Secondly, I can't find any glaring errors, only omissions and misplaced emphases. Thirdly, the book is illustrated by forty-two vivid, often unfamiliar, photographs of the events and personalities of the time. In a field where so many of the books on both sides are unreadable as well as biased, *Protest in Arms* stands up very well.

It is hard for anybody who grew up in the Republic of Ireland (as it is now called) since the Easter Rising of 1916 to regard the last struggle with England as anything but a necessary, if painful, initiation into adult nationhood. Though Ireland seemed certain to regain her independence sometime during the twentieth century, one feels that it was better for her to seize it in arms than to have it conferred by the British parliament; the latter method would have intensified an already severe national inferiority complex.

Nevertheless, if one looks back at what was essentially a three-cornered

VIVIAN MERCIER is on the faculty of the City College of New York. He has recently completed *The Irish Comic Tradition*.

Though the style is not all it might be — Mr. Statler is a friend of James Michener, both share an interest in Japanese prints and the book is dedicated to him — the content is completely winning. This sumptuously produced and extremely well-illustrated book is not at all concerned with the Japanese mystique. Indeed, Mr. Statler seems completely unaware of it. To him the Japanese are people. They may think a bit differently from the way we do, but they feel the same.

struggle with the calm, deliberate gaze attempted by Mr. Holt, one sees that none of the three camps won exactly what it wanted: the Northern Irish Unionists reluctantly accepted the Home Rule they had sworn to resist; the Southern Irish fighters for independence, though they first gained far more than mere Home Rule and then twenty-seven years later won their republic, had to accept the partition of Ireland; the British were forced to let go most of Ireland without earning any gratitude by doing so. People will continue to ask about the Troubles, as they do about the American Civil War, whether violence could not have been averted altogether.

As I see it, the Ulster Unionists not only made violence inevitable but also profited most by the Troubles. Once religious and national prejudice in Ulster had been aroused to the pitch that it reached in the period 1885-1912, there was almost bound to be civil war in some form. At first it seemed possible that Ulster would fight the Southern Irish — and the British, too, if necessary — to prevent her separation from Great Britain; "Home Rule means Rome Rule" was one of the Ulster Protestant slogans. When Ulster and Great Britain agreed on the partition of Ireland, the Southern Irish were bound to fight for the unity of the whole country; but, while they fought the British and later fought among themselves, they never launched a serious attack against Northern Ireland (the six Ulster counties, out of nine that were separated from the rest of the province and the country by partition). In this particular war of secession, Ireland seceded from the United Kingdom, certainly, but North Ireland in turn seceded from Ireland without completely rejoining the United Kingdom.

The Ulster Unionists thus gave a remarkable demonstration of how the tail

can wag the dog. I guess it's always easier to hold onto what you have than to get back something you've lost. Essentially, the Ulster Protestant wanted to go on exploiting the Ulster Catholic — and he does, though by more polite means than in the seventeenth century. The American white Southerner has managed to go on exploiting the Negro even after *losing* his war. Both in Northern Ireland and in the Southern United States intelligent leaders make use of a prejudice that they do not necessarily share, in order to retain the votes of the undereducated. An Orangeman and a White Citizens' Council member often look alike, worship alike, and bear the same common English or Scottish surname.

MR. HOLT takes a great interest in the tactics of the Irish fighting, as well he might. The Irish revolutionaries fought just one pitched battle in regular uniforms, the 1916 Rising in Dublin. When the British attacked their positions with artillery, forced a surrender, and then executed the leaders, the Irish quickly got the message: if they were to be executed whether they wore uniforms or not, they had better stay in civilian clothing, which would make them harder to catch. As for pitched battles, those emphasized the weaknesses of a small, poorly armed force, so the Irish abandoned them in favor of the underground and guerrilla tactics which Frenchmen, Israelis, Algerians and so many others have practiced since.

The Boers and many other peoples had adopted guerrilla tactics earlier, but in areas where there was plenty of space for maneuver. The Dublin men must have been among the first to wage underground warfare in a modern urban environment. A sympathetic civilian population, which practiced passive resistance as well as sheltering the gunmen, almost guaranteed that the British could not win by any tactics short of genocide. Actually, since speech and the press were free in Britain, not even the vigilante methods of the "Black-and-Tans" could be employed for very long without tremendous protest among British liberals — and, in the long run, conservatives too. A truly determined nationalist movement can beat anything but the threat of genocide, and only a totalitarian country can attempt *that*. If even 5 per cent of the atrocities get into the papers, all will ultimately be well; eliminate that last 5 per cent, and Auschwitz is on the way. Hence the continuing struggle against political censorship in France has been vital to the Algerians' success.

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I recommend Mr. Holt's book to Africans, Asians and Latin Americans; they can compare the British treatment of the Irish with the Chinese treatment of the Tibetans or the Russian treatment of the Latvians. The Irish, however, as O'Connor hints, need a history of the Troubles compiled in the American grand manner, in four or five volumes, by an empire-building editor in chief who de-

mands from his Parkinsonian staff of graduate students at least six footnotes to every page and a bibliography that forms a small tome in itself. Probably such a work would suffer the fate of *Finnegans Wake* — i.e., only Americans would read it — but at least Irishmen could feel that *that* piece of history had been squared away and it was time to make some more.

The Human Instrument

THE STRUCTURE OF SCIENCE.

By Ernest Nagel. Harcourt, Brace & World. 618 pp. \$10.

William Gilman

NOT everybody has taken the course that college kids call "a dose of physics." Nor can all who take it understand every aspect of Planck's quantum theory. But the vital question revived by Planck's interpreters is not limited to physics; it embraces philosophy, and that the layman can comprehend. Is everything fore-ordained, or is there some freedom of choice? Now that science has become less positive about determinism and more charitable toward free will, can we again believe in "progress" and in our freedom to be either courageous man or cowardly

WILLIAM GILMAN'S latest book is The Language of Science: A Guide to Effective Writing (Harcourt, Brace & World). He started as a chemist; became a journalist and war correspondent; then returned to the sciences as a writer and magazine editor. He also teaches Science Writing at Columbia.

mouse? And if our choice is to scorn Adolf Eichmann's disclaimer, "I was only a sausage," can we then absolve the Los Alamos scientists of their share of responsibility for Hiroshima? For Eichmann, too, replies, "There is no blood on my hands."

Such corollary questions challenge us when we examine Dr. Nagel's scholarly book, which is subtitled "Problems in the Logic of Scientific Explanation." But it neither answers the questions nor makes the attempt; it ignores them — and that is a pity because Dr. Nagel expresses the wish to be useful. As John Dewey Professor of Philosophy at Columbia University, he has assembled much from his wide reading in science. In turn, he hopes that his analysis of the scientific method will be widely read: "I have tried to write for a wider audience than that of professional students of philosophy." And why does he try to reach the non-pros? Because he is disturbed by "the current tide of criticism directed against the works of scientific reason."

A few words first about the wide audi-

The Blue Room

What sorrow was mine in the blue room, what pain when the windows shut tight and the rain stopped falling: there was no wind and my hands felt nothing, no wind all night and my hands touched the silence But I lived on, thinking the morning would come, I lived on and waited, and the blue room grew doors around me Keys fell to the earth but no key fitted the locks or would stay in my hand Then sorrow left me, and after the sorrow my pain went: the windows stayed shut, boarded, covered with grass: the clothes turned to dirt in the closet: I walked through the room no longer, I thought about nothing Today when the morning found me, I turned a half swollen cheek toward the door And only after it left did I feel this strange joy

JEROME ROTHENBERG

ence. Dr. Nagel's purpose is laudable—too many of us are unwisely ignorant about the sciences. But to win readers, especially for a cerebral tour through dialectics, one should concentrate on clarity; should lighten the jargon that serves as passwords for members of the club; should avoid the trap of tediousness. *The Structure of Science* is not reading that you can scan, and it is frustrating to work through a passage only to find that it has been said earlier in another complicated way.

The content of Dr. Nagel's book, however, is what interests us most. How scientifically does he examine the so-called "scientific method"? To what extent, for example, may his own personality be responsible when he postulates a difference between "absolute chance" and "relative chance" that helps him favor the evidence for determinism over evidence for free will? He does agree, in passing, that the instrument affects the data, and his discussion of social scientists shows awareness that the observer may be biased. Therefore? Therefore it is logical to ask how trustworthy is any human being who turns scientist. The "hard" sciences, too, use instrumentation.

IT WOULD be a cliché, and probably unfair, to say that Dr. Nagel dwells in an ivory tower. It is not unfair to wish that the examples he uses were less aseptic and included some of today's flesh-and-blood realities, even if these sometimes give a whiff of Eichmann "sausage." Conventional doubts about the prejudices and inaccuracies of the biologist and social scientist aren't enough. In fact, it may be that these nonphysical scientists, probing the mysteries of teleology, will some day supply the crucial facts about the scientist as a whole man and, therefore, about just what it is we call the scientific method. The need is important today, but it is not new. John Stuart Mill said, "We ought either not to pretend to scientific forms or we ought to study all the determining agencies equally."

In short, the polite disputations in Dr. Nagel's book are not enough. Nor is his seeking refuge in the scientist's familiar scorn for the "indeterminacy" of language. Whatever its faults, language does prize precision and it does allow brutally stern questions. Many such questions need to be raised in any non-sacerdotal appraisal of scientific method and of the man — the instrument—who employs it. Here are a few that Dr. Nagel could well have brought into his discussion:

How is the human instrument being affected by the way in which science, including the "nonprofit" kind, is becoming big business — in government as well as in industry, the universities and the foundations? (A Princeton survey gives some answers from laboratory men: "You seek out those things which are simplest to do"; "If there is no government contract or gadget involved, management is not very enthusiastic.")

How is the human instrument being affected by the stresses of his times? We frown upon the behavior of an Alger Hiss or a Charles Van Doren. They were nonscientists. But what about physicist J. Robert Oppenheimer, who admitted bearing false witness? We frown upon a general or admiral whose panic wants to push the button. But what of mathematician Bertrand Russell who, in 1948, stampeded into espousal of a preventive A-bomb war against Russia?

And how ever-trustworthy is scientific evidence? How prevalent is diddling of the kind around which C. P. Snow wrote his novel *The Affair*? And how is the human instrument serving the propaganda that floods us with evidence for and against effects of fallout, of fluoridation, of cigarettes, of "additives" to our food?

Also, to what extent, now that we have "professional mathematicians" along with "professional philosophers," have manipulators of statistics taken over the once pure mathematics? For example, bland extrapolation can find ways to prove almost anything you want. And there are noticeable signs that the "scientific method" of modern personnel departments is building a supremacy of the lowest common denominator.

NOR need an inquiry ignore abstract questions of the meatier kind. If man is indeed an instrument, isn't it possible that mathematics (whose equations are solved by opportunism) sharpens his willingness to believe that the end justifies the means? That could start a merry metaphysical argument. And what about the time when we seriously begin transplanting human organs? There, too, is elegant basis for dialectics — will the scientific method, and responsibility, be that of the transplantee or the transplantor?

The trouble here, then, is not so much in what Dr. Nagel examines as in the serious things he has left unexamined. And I suspect that the reader who mistrusts science will remain mistrustful after reading the book. That will be unfortunate because the picture isn't entirely black. Any thorough investiga-

tion of scientific method would see more than the approach of Huxley's brave new biologically tranquilized world, or George Orwell's year of doom. It would study the mouselike scientists but would also find that the methods of courageous, adventurous and skeptical scientists are not yet extinct. Some scientists today have even learned to laugh at themselves and their work — surely a healthy sign, and something else that the determinist's mouse cannot do.

THEATRE

Harold Clurman

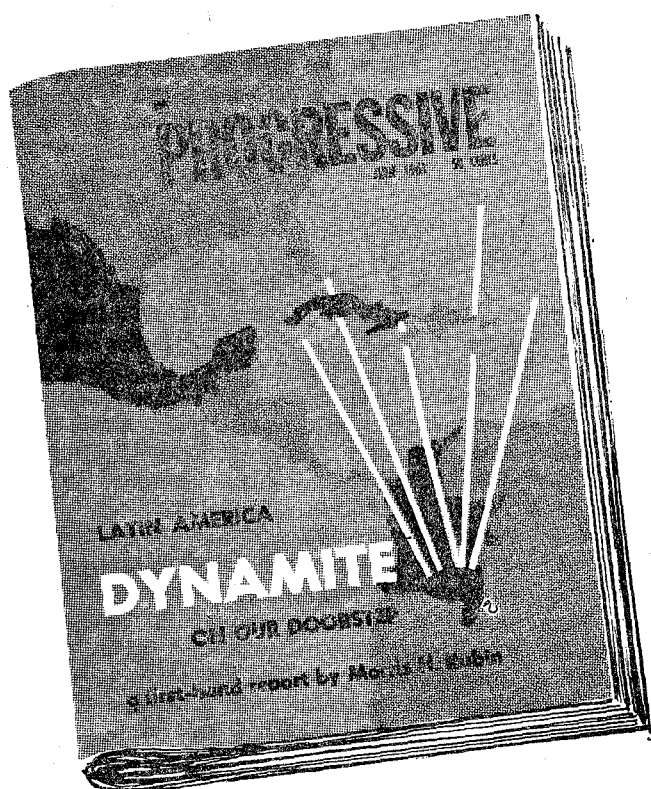
ONE of the most engaging entertainments in town is to be seen at *The Premise* at 154 Bleecker Street. (Coffee is served.) I enjoyed the evening more than any I have been invited to in many weeks at the more expensive showshops uptown.

Genially directed by Theodore Flicker, four young people—Thomas Aldredge, Buck Henry, Joan Darling, George Segal—enact little skits which, if not entirely improvised, are clearly based on improvisation. Their stage is a platform, bare except for a few wooden cubes. The tradition is that of the political cabarets of Berlin, Vienna, Munich and of the *boîtes* in Paris, but such references to foreign equivalents are misleading. The spirit of *The Premise* group is wholly American, though we haven't seen anything of the kind in New York since the thirties. The fresh youthfulness, good-humored disrespect, healthy skepticism and wide-eyed shrewdness at *The Premise* are unmistakably native.

The things kidded deserve the treatment they get. Noses are thumbed at the jargon of the Method and psychoanalysis, the anti-trust frauds, the mish-mash in our minds about the Congo, the cruel antics of the Dixie racists, the cold-war follies—and, best of all, the TV summit conference of David Susskind and Premier Khrushchev, which had me in stitches. Points are made more smartly in all this tomfoolery than in many of the long-faced editorials by our most earnest journalists.

THE regular Broadway season of 1960-61 ends with its forty-sixth production, a dramatization by Jerome Lawrence and Robert E. Lee of Maurice Edelman's novel, *A Call on Kuprin*. While the play is never boring and is competently directed and moderately well acted, it is not entirely successful as

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a melodrama; despite the presumed timeliness of its subject matter, it will not, I venture to say, hold the boards for very long.

The play is written for the suspense and thrills supposedly inherent in any tale of spying and counterespionage. In the present instance, the plot is not sufficiently complex or tense to capture an audience. What was expected to lend the occasion a measure of "importance" was the message.

The play deals with an American who comes as a tourist to Moscow

where he hopes to visit his one-time astronomy professor, a Russian who, after teaching at an American university, has returned to the Soviet Union and gained world-wide fame for the invention of the most advanced instrument of space flight. The American is asked by our ambassador in Moscow to persuade Kuprin, whose whereabouts are kept a close secret by the Soviet authorities, to go back to America where he will be honored and given every opportunity to pursue further scientific studies under the most favorable circumstances.

Two thoughts are tacked on to the melodramatic proceedings: that science is no longer free anywhere and that scientific progress appertains to no one country but is of international significance destined to benefit all men everywhere.

Though politically rather futile, these are, I suppose, liberal sentiments. They are to be commended insofar as they represent attitudes which the Broadway theatre-goer does not expect to hear voiced on the stage. But what the producers and many others of us do not realize is that the majority of our folk, all overt signs to the contrary, are not really interested in these matters.

Nuclear war, I have said here before, is science fiction to most of us, and space exploits are viewed chiefly as sport. The possibility of total destruction in a third world conflict can dominate the imagination only of people who know war intimately, and that is not the case with most Americans. The uses or advantages of space exploration are not really evident to any but scientists and military men. We are generally inclined to second the motion made by Brendan Behan in *The Hostage*: "Don't muck about, don't muck about, don't muck about with the moon."

FURTHERMORE, when the sins of the Soviet Union and the evils of communism are presented in American drama or films our audiences are affected by a sneaking suspicion that what they are shown is somehow phony. The reason for this is not any intellectual disagreement with the premises of our quarrels with the Soviet Union or our horror of communism. We are all generally persuaded that both forces constitute a menace, but we rarely believe that what we see concerning them in the various theatrical media is authentic. Therefore, much of our anti-Soviet or anti-Communist propaganda—insofar as our plays or pictures engage in them—actually boomerangs and may in the end do more harm than good. The ad-

vances of communism or of the Communist states become increasingly impressive the more we hear them decried or ridiculed in bogus plays.

Strangely enough, though the audiences who are offered this type of political or social play do not usually hunger for art, the very lack of art or genuine expression of really experienced content causes these exposés to fail both as forceful documentation and as exciting entertainment. The same may very possibly be true in the Soviet Union in regard to its anti-American drama.

To illustrate a little more specifically what I mean, note the tiny detail of the Russian spoken by many of the characters in *A Call on Kuprin*. I have no doubt that it is idiomatically correct Russian and properly pronounced. Yet it strikes us as a kind of pleasant cosmetic applied to lend atmosphere to the story, in the way that opium dens and other *chinoiseries* used to be employed to suggest the nefarious mystery of the yellow peril in the earliest silent movies. We never feel for a moment, for all the real Russian the actors speak, that we are anywhere but at the Broadhurst and therefore remote from any truth—even that of good theatre.

Propaganda agencies please note: art, or at least a reasonable facsimile thereof, may still be the best way to influence friends and to inspire faith.

ART

Fairfield Porter

THE EXHIBITION, at the Whitney Museum, of American painting between 1865 and 1905 was organized by the Art Gallery of Toronto, in collaboration with Lloyd Goodrich, director of the Whitney. It has already been shown in Toronto, Winnipeg and Vancouver, and closes here on June 18. It omits artists whose careers began before 1865, such as the Hudson River School, and it leaves out the realistic movement of the beginning of this century of Henri, Sloan, and so on. There is a feeling of enough space on the walls and between the various styles, and that there exists a great deal more of this painting in reserve. One is neither sated nor frustrated by the exhibition, and one leaves it with aroused interest and a desire to know the artists better.

These painters were the contemporaries of the French Impressionists, whose feeling of life was closer to ours today than to that of the Americans of three

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generations ago. The French had a delight in ordinary life and nature and the outdoors, which these Americans lacked. One of the most surprising paintings I know is of a battle between a Union and a Confederate ship that Manet watched off the coast of Brittany. A propaganda version of the difference between American and French society that one might imagine from reading Mark Twain or Henry James gives to America the role of a new country full of the freshness of youth and to France the role of effete and temperamental instability. But French Impressionism expresses solid pleasure in simple things, joy, and a stable life. American painting of the same time looks stunned and dreamy. Do Eakins' starving boxers stand for athleticism and his exhausted women in murky rooms for frontier simplicity? At the same time, the effete French had pink cheeks, they were in charge of nature which they had transformed into a garden where they did a lot of picknicking on the grass; they were completely at home in the country and city, whose streets are a background for a perpetual parade.

The French were social, the Americans solitary. The French hunted to enjoy the beauties of the woods and the deer, the Americans hunted to kill. The French went on boating parties, Americans took exercise. Light dominates French painting, while in American painting even outdoor daylight is dim and artificial. And Hassam, Chase and Mary Cassatt, who adopted Impressionist theories, produced a muddy grayness. The American painters seemed fearful of nature and man. In her mothers and children, Mary Cassatt sees a sum of features, instead of integral people. Whistler made the pre-Raphaelite identification of beauty with illness. Even his landscapes celebrate weakness. Thayer seemed to see women the way a baby sees its powerful mother. All of the people in Homer's paintings are one lay figure. His *Snap the Whip* (one of the few paintings in the show with natural light) shows the same boy, six times over, against a background of autumnal hills as monotonous as the ocean.

THERE ARE four Ryders in the show. Two marines have Ryder's pat arrangement of clouds around the apex of the sail: the pathetic fallacy of the painter. *Weir's Orchard* is less typical; it is one of hardly more than half a dozen paintings that justify his reputation as a great artist. In this picture, he understands, as few artists ever have or do, what "value" is. Unless "values" express more than correspondence to a

black-to-white scale of tonality, unless they are about weight and substance, they are meaningless. The meadow below the trees bulges more substantially than the foliage that overlies it, which in its turn is airy. And the boulders in the field seem to be floating on the heavy waves of earth, as indeed they do, pushed up by winter frost. This is painterly imagination, which Ryder had supremely, though he also had a romantic and literary one, as in *Roadside Meeting*, with a Poe-like atmosphere. The imaginary nature of his subject is realized by the materiality of his means. Blakelock was as romantic, though seldom as successful, as Ryder. *Ecstasy* shows an oak forest in unearthly light. The black leaves are set into, not on top of, the bone-colored sky, in front of a porcelain-blue distance. The ecstasy of the artist was the clarity and peculiarity of his vision that saw the shape of the leaf as the determinant of the shape of the forest. Both these romanticists seem to have chosen a deliberately unhealthy vision, nervous and narcotic.

American painting is full of false feeling. Whistler could not escape from it by expatriating himself. Neither could Mary Cassatt. Success made Sargent fall into it. It is very easy to choose a bad Sargent: in this exhibition they are all good. *Portrait of a Boy* is best; it has an un-American brilliancy of light and handling. Homer's *Autumn* is a good choice: his waves against the rocks of Maine became machines. Most of the artists in the show seemed unaware of how separated they were from nature and themselves.

EAKINS pointed out a way of making a connection with American life. What was necessary was to face up to false feeling. This is done by attentiveness, as long as this attentiveness is not sentimental, as it is when the artist does not dare to make decisions. It took all of Eakins' energy to face falsity of feeling; all of his attention, and it was very hard for him to dare to decide. He had the puritanical belief in truth as an extra-human value. Truth is everything, indiscriminately, and one must not monkey with it. This puritanism is the cause of the darkness of American painting. When the artist cannot allow himself to choose, he makes a proportional version of natural values. He believes there is nothing subjective about them. But the only way to get light is to choose and to decide. It is as though a writer thought that accuracy was to be found in adjectives and adverbs instead of in nouns and verbs. Eakins needed an explanation for every step he took. But

in *The Pathetic Song* he found his form in the reality before him instead of having also to impose intelligence upon it. He was willing to make decisions. He decided in favor of the light on the singer, which saved him from obsessive concern with the details of the wrinkles in the material. He decided to silhouette the piano accompanist by an almost arbitrary variation of the light on the wall behind her, which maintains the flatness of the wall. He observed her expression of listening sympathy, and the listening nose of the cellist.

Sargent, Eakins and Ryder look best. But all the artists seem connected by their Americanism. They believed in nature and identified art with artifice. Whistler promulgated the idea of the separation of art from life. Eakins despised artifice, but in order to appease his conscience, he could get to nature only through the detour of science. Painting was easy for Sargent, and he was not very ambitious. Ryder's tenuous craftsmanship barely carried the load of his originality.

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(Continued from page 500)

established the principle of separation of church and state. Courts openly took note of the legislation's essentially religious purpose in throwing down challenges to it. By the end of the nineteenth century, the courts shifted their rationale, although not their decisions. The Supreme Court articulated a theory which still governs a majority of appeals decisions and which, in the main, was reaffirmed in their decisions last week:

Laws setting aside Sunday as a day of rest are upheld not from any right of the government to legislate for the promotion of religious observances, but from the right to protect all persons from this physical and moral debasement of uninterrupted labor.

But as far back as 1940, a Department of Labor report discounted the usefulness of Sunday legislation in assuring the "interruption" of labor. And, more important, virtually every state by now has comprehensive laws regulating work hours — a policy aided by union overtime provisions and the Fair Labor Standards Act. Whatever relation blue laws had in former times to the public's health, precious little remains today. A judgment on their health value can be obtained by comparing conditions in the stricter blue-law states of the East, South and Midwest with such states as California (wide open), Arizona (where only barbering is barred on Sundays) and Arkansas (which bans animal racing, combat sports and a specific list of card games). Californians do not appear to be suffering beneath the yoke of unremitting toil owing to the absence of Sunday legislation. Such laws do not insure rest; they merely prohibit some activities.

Finally, all states have peace statutes — some directly refer to willful disturbance of religious meetings — that are adequate to assure the necessary tranquility of the Sabbath.

DESPITE the good case that can be made for abolition, most legislatures have refused to reconsider the basic provisions of Sunday statutes. Lawmakers, reluctant because of political instinct or their own religious beliefs to question any measure passed in the name of religion, tend to accept as absolute the claims and judgments advanced in support of them. In this way, the legislative process for reconsidering the blue laws in the light of modern conditions and values has been stifled. Such is one consequence of translating religious doctrine into civil law.

Chief Justice Warren, writing for the majority in last week's Court decisions stated that blue laws have lost their religious cast and today merely reflect society's interest "in a day of rest, repose, recreation and tranquility." But the decisions, far from creating tranquility, will simply encourage the blue-law supporters to fight for more and stricter laws, and the opponents to fight for more and broader exemptions, with the state legislatures as the focal point for the lobbying.

There is an old tale about a trader on the Fiji island of Taveuni in the early nineteenth century who was brought before the local magistrate for Sunday selling. He denied the charge with the claim that the international date line, which then transversed Taveuni, cut right through his store, enabling him to trade from his back door where it was Monday. The judge viewed this defense dimly and gaveled the defendant guilty with the retort that to decide differently would give the trader permanent immunity to the disadvantage of other Taveunites.

There is a lesson here for the present. For if no one were immune, if blue laws were rigorously enforced, the demand for justification would be more insistent. And many of the entrenched injustices which now give "sustaining flexibility" to these laws would be more prominently exposed as grounds to abolish them.



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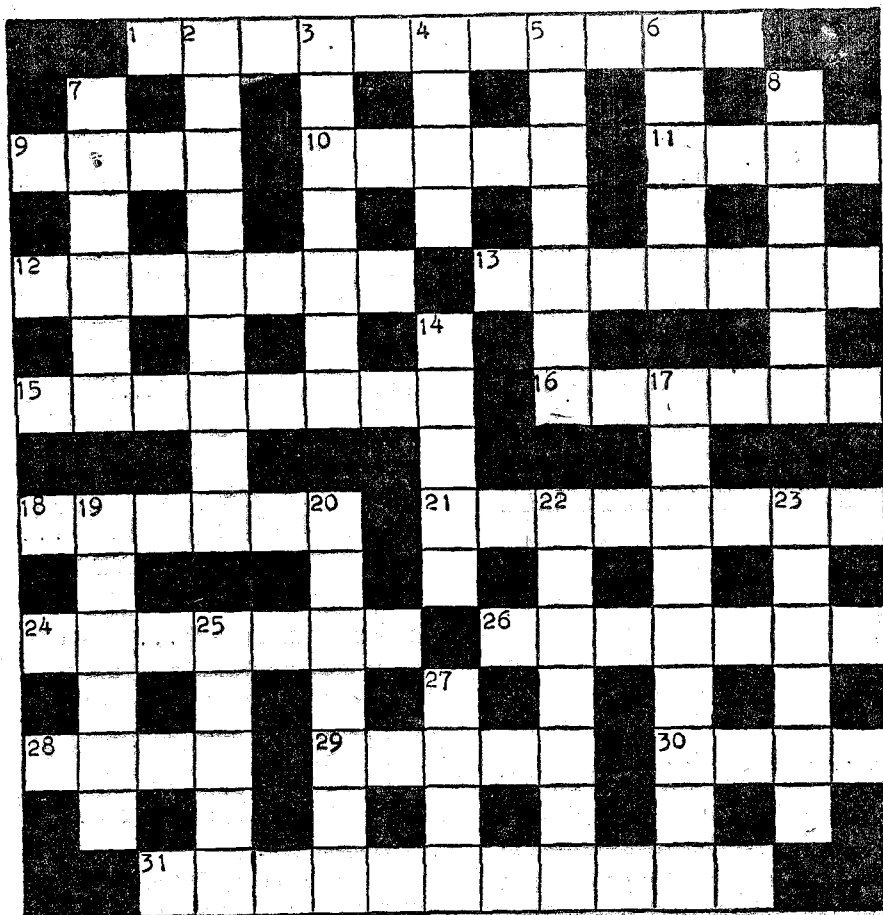
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Crossword Puzzle No. 919

By FRANK W. LEWIS



ACROSS:

- 1 The main recommendation of a 31? (4,7)
- 9 and 10 Left-finished, as indicated beforehand. (9)
- 11 Wouldn't make a very interesting trophy, by the sound of it. (4)
- 12 Hose seem to be more often than capsules. (7)
- 13 Bill seems to warrant examination if you do, to give an indication. (7)
- 15 One could make fun of this at first with a sort of gun open to view. (8)
- 16 A stock answer might be to eat before work. (6)
- 18 It wasn't Miss Gibson who got a note from the prisoner. (6)
- 21 Commentary on pedal-point? (8)
- 24 The application of layers go into them. (7)
- 26 and 28 Wind, to make it turn, in any case without success, by the sound of it. (7,4)
- 29 The mark of anticipation. (5)
- 30 Weaver is used to seeing one appear threatening. (4)
- 31 Would one be called in for a 7 and 23? (5,6)

DOWN:

- 2 A car line, perhaps, is important only if the original owner is. (9)
- 3 Singular form of 26, if bad, in substance. (7)
- 4 At this, one wouldn't expect to find

agreeable folk. (4)

- 5 What Edward might leave at the poker game isn't very exciting. (7)
- 6 Old city interdiction of the city? (5)
- 7 and 23 Would a 1 across help if there's trouble afoot, though in stable surroundings? (It might be better seasonably.) (4,2,3,3)
- 8 Trust claret to confuse one! (6)
- 14 Put out by what some used to take? (9)
- 17 It might be unpollitic in detail. (9)
- 19 Record session for the band? It should be difficult to break up. (3,3)
- 20 A scalp a South American Indian might value. (7)
- 22 Pertaining to a salt water and cocaine mixture. (7)
- 25 It implies belief in filthy lucre, doesn't it? (5)
- 27 Many have, to get home safely. (4)

SOLUTION TO PUZZLE NO. 918

ACROSS: 1, 19 and 27 That Old Gang of Mine; 5 and 9 Wedding bells; 11 and 32 Mason jars; 12 and 5 Crying wolf; 15 Mottle; 16 Griffon; 17 Onus; 21 and 3 On Wings of Song; 22 and 10 Tung oil; 25 Steeped; 33 Being; 34 Goa; 35 Ample; 36 Essayed; 37 Spheres.
DOWN: 1 and 29 Tobacco leaves; 2 Alley; 4 and 23 Dropleaf; 6 Damson; 7 Inset; 8 Ginseng; 13 Granite; 14 Offices; 15 Mongrel; 18 Urn; 20 Ale; 22 Trouble; 24 Fastens; 25 Snugly; 26 Detach; 28 Mains; 30 Viper; 31 Aged.

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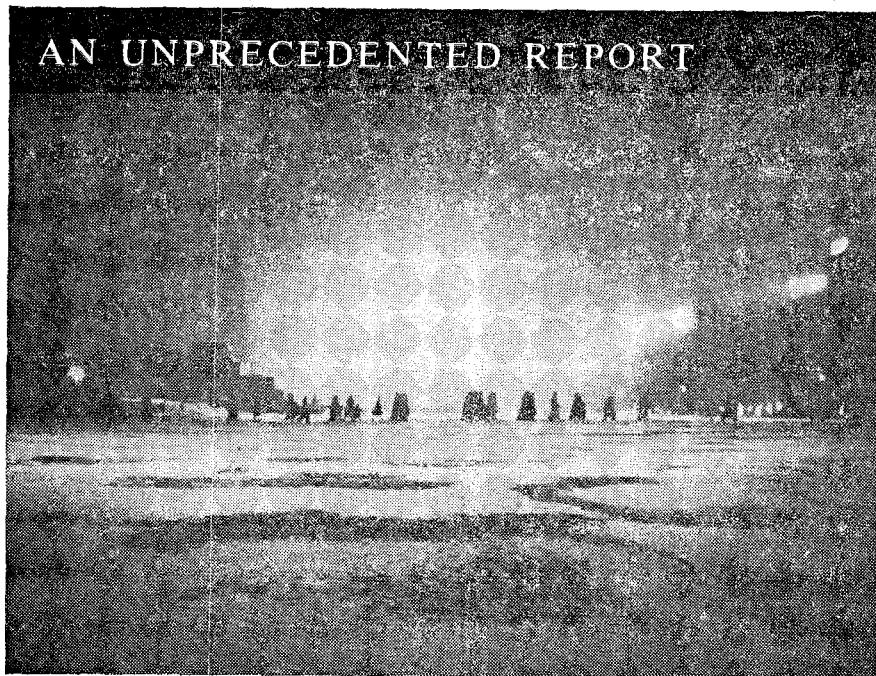
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